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ministration. I consulted with President Eisenhower by telephone about certain of its clauses. Our subcommittee then approved this section of the platform, and it was adopted by the full platform committee and the convention.

I point these facts out not to say that the circumstances under which we adopted our plank at Chicago in 1960 were the same as today, or that the treaty before us is in exact accord, nor to attempt to say what the position of President Eisenhower or former Secretary of State Herter would be on this treaty—but simply to point out that the administration of President Eisenhower and the Republican Party had as their policy negotiations toward a safeguarded ban on nuclear testing.

In examining the treaty, I felt that it was my prime responsibility to determine its effect upon the security of our country. Even the fact that many nations have acceded to the treaty cannot diminish this duty, for only the United States has the power to protect its people and its free institutions.

Today I have no doubt that certain risks attend the ratification of the treaty. I do not believe that such risks can be removed by reservations, understandings, or interpretations of the treaty. The risks lie either in the provisions of the treaty itself or in external facts regarding the relative nuclear capabilities of the United States and the Soviet Union.

There is a risk that the Soviet Union may breach the treaty by clandestine testing. If it does, the testimony has indicated that any significant tests would be discovered. The United States could immediately abrogate the treaty, whether the breach of the Soviet Union was direct or indirect, through the agency of other countries.

Article IV provides that "if any extraordinary events related to the subject matter of this treaty" jeopardize the supreme interest of this country, we could withdraw after 3 months' notice. I would go further. It is my belief that if any event occurred which, in the opinion of the President or Congress, threatened the security of the United States, the United States would have the right under international law, and the duty under the obligation of self-defense, to abrogate the treaty immediately and take whatever steps might be necessary for our security. The chief risk of the treaty, as such witnesses as Dr. Teller and General Power testified, and which has been argued forcefully by respected Members of the Senate, is that the Soviet Union has acquired from recent testing information not available to the United States, information which enables it to develop an anti-ballistic-missile system, or systems, which could neutralize our communications and thus render useless our "second strike," which is the deterrent against any Soviet nuclear aggression.

In response, I point out that Dr. Harold Brown, the director of Defense Research and Engineering for the Department of Defense, and the leading scientific adviser in the present administration, who stated that he has full access to all information—military and scientific—testified categorically that our recent tests provide information comparable to that of the Soviet Union with respect to communications blackout and anti-ballistic-missile systems.

Other leading scientists, such as Dr. York and Dr. Kistiakowsky of President Eisenhower's administration supported Dr. Brown, and testified that the United States possesses superior nuclear power and can maintain this power.

I also heard the Joint Chiefs of Staff, including General LeMay, in closed session, hold that the risks were manageable if we maintain our scientific and military capabilities, and, while raising the question of the risks, as they should do, they approved the treaty.

President Kennedy, in his message to the Senate on August 8, made this statement:

> According to a comprehensive report prepared by the responsible agencies of government for the National Security Council, the tests conducted by both the Soviet Union and the United States since President Eisenhower first proposed this kind of treaty in 1959 have not resulted in any substantial alteration in the strategic balance.

I believe that the ultimate issue is whether it is a greater risk not to take this first step, whose chief purpose is to secure settlements of the situations in the world which create the danger of war, and to break the cycle of the nuclear arms race which overshadows the world, and if not halted may destroy it. President Kennedy has called the treaty a first step toward agreements which would tend to prevent the possibility of a nuclear war. President Eisenhower, in his recent letter to the Foreign Relations Committee, said:

> But the greatest anticipated advantage is the hope—almost universally held by the earth's populations—that the consummation and meticulous implementation of the agreement might open the way to better relations between the cold war opponents and, by small steps, bring about enforceable agreements for the reduction of the costly armaments race and progress toward the rule of law in the world. These promises and these hopes represent the major portion of advantages of the treaty.

If we agree that the risks which we assume in ratifying this treaty are manageable—and I have made up my mind on the basis of the testimony that they are—then I believe the true test of this treaty lies ahead. For its true and explicit purpose, in my view, is that it looks forward to two things. One is the accomplishment of further agreements which will reduce the extension of the nuclear arms race, such as an enforceable ban on underground testing. This, of course, would be the necessary step along the route toward nuclear disarmament by all countries. The second purpose, it seems to me, is to create an atmosphere of some trust, in which the United States and the Soviet Union can proceed toward the just settlement of issues which the Soviet Union has created, which cause our confrontation with the Soviet Union, and produce the danger of war. I need not name all of these situations of confrontation, but two are apparent—Berlin and the presence of Soviet troops in Cuba. The presence of Soviet troops in Cuba is an extension of the status quo which Khrushchev has contended should be maintained in Eastern Europe. It is the first extension of Soviet force in the Western Hemisphere. It gives authority to Castro's regime, and support to subversion and aggression in the hemisphere. Its danger will continue until the Soviet military presence is ended.

I give these examples to reinforce my statement that the true test is ahead. If the Soviet Union will not, after the ratification of this treaty, make any advances toward a just settlement of these situations of confrontation, such as Berlin and Cuba, if it will not come to any agreement upon an enforceable ban on underground testing, then our country will have the duty to inquire again as to the purposes of this treaty and whether it benefits our security or the security of the world. And after a reasonable time, if no advances toward true settlements are made, then I believe it would be the duty of the United States to take whatever action our security demanded. We cannot know whether these advances toward settlements, toward nuclear disarmament, are possible unless we take this first step.

Mr. President, risks are inherent in the ratification of the treaty, but they are risks which the President and most of our military and scientific leaders, charged with responsibility, have told us categorically are manageable and are less dangerous than the failure to ratify the treaty.

As long as our issues with Russia remain unresolved, we shall have to live in an armed state under the threat of war. We have never thought very much about managing our own lives, our government, and our industrial economy during a long period of such danger, for we have never lived on the brink of a thermonuclear war.

Our system is distinguished from that of the Soviet Union, for we believe in a moral order. We must maintain our defenses, and we will protect at whatever cost necessary the security and freedom of our country.

I believe this is a first step. The Senate must make the determination whether the risks, not wholly known, are as great as the refusal to take the first step—a step which may lead to other agreements—a step which may lead to ending the nuclear arms race. For the nuclear arms race always holds the possibility of nuclear war, whether planned or by mistake, in which there would be no victor—only the destruction of mankind.

Mrs. SMITH. Mr. President, this morning I received from the Secretary of Defense answers of the General Counsel of the Department of Defense to the legal questions I raised in the Senate on September 16, 1963, on the wording of the nuclear test ban treaty. Because of their striking similarity to answers of the Legal Adviser of the State Department, which I placed in the RECORD yesterday, I shall not comment on these answers of the chief legal officer of the Defense Department but rather will observe that the comments I made yesterday on the

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